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November 30, 2007

**VIA E.C.F. AND HAND**

Honorable Dora L. Irizarry  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Deanna Bordeau and Kathleen Bordeau v. City of New York, et al.  
06 CV 6781 (DLI) (RER)

Your Honor:

I am the attorney in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above matter. Defendants City of New York and New York City Police Department ("City defendants") respectfully submit the enclosed Stipulation and Order of Settlement and Dismissal on behalf of the City defendants, executed by counsel for the City defendants and plaintiff, for the Court's endorsement and filing.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,



Amy N. Okereke (AO 3250)  
Assistant Corporation Counsel  
Special Federal Litigation Division

enc.

cc: Hon. Ramon E. Reyes, Jr., United States Magistrate Judge (via E.C.F.)

Victor Brown, Esq., attorney for plaintiffs (via E.C.F. and first class mail)

Michael G. Rabinowitz, Esq., attorney for co-defendants (via E.C.F. and first class mail)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DEANNA and KATHLEEN BORDEAU,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, NEW YORK CITY POLICE OFFICER JOHN CASCONE, NEW YORK CITY POLICE OFFICER JANE DOE #ONE, METROPOLITAN TRANSIT AUTHORITY (MTA) NEW YORK CITY TRANSIT and KEVIN JENKINS, MTA employee,

Plaintiffs, **STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL ON BEHALF OF DEFENDANTS CITY OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT**

06 CV 6781 (DLI)(RER)

Defendants.

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**WHEREAS**, plaintiffs Deanna and Kathleen Bordeau commenced this action by filing a complaint on or about December 27, 2006 alleging that certain of their federal and state rights were violated; and

**WHEREAS**, defendants City of New York and New York City Police Department (hereinafter the "City Defendants") have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, the City defendants and plaintiffs now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff DEANNA BORDEAU the sum of **One Thousand Five Hundred Dollars (\$1,500)** and plaintiff KATHLEEN BORDEAU the sum of **One Thousand Five Hundred Dollars (\$1,500)** in full satisfaction of all claims, including claims for costs, expenses, and attorney's fees. In consideration for the payment of these sums, plaintiffs agree to the dismissal of all claims against the named City defendants, the City of New York and New York City Police Department, with prejudice, and to release the defendants named herein as "NEW YORK CITY POLICE OFFICER JOHN CASCONE" and "NEW YORK CITY POLICE OFFICER JANE DOE #ONE," and any present or former employees or agents of the City of New York, or any agency thereof, including, but not limited to, the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law that have or could have been alleged by plaintiffs in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses, and attorney's fees.

3. Plaintiffs shall execute and deliver to the City defendants' attorney all documents necessary to effectuate this settlement, including, without limitation, a General Release for each plaintiff based on the terms of paragraph 2 above, and Affidavits of No Liens, also for each plaintiff.

4. Nothing contained herein shall be deemed to be an admission by any of the City defendants, their agents, and employees, that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of

New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
November 30, 2007

Victor Brown, Esq.  
Attorney for Plaintiffs  
11 Park Place, Suite 600  
New York, New York 10007  
(212) 227-7373

By:

  
\_\_\_\_\_  
Victor Brown, Esq.

MICHAEL A. CARDOZO  
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and New York City Police Department  
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(212) 788-9790

By:

  
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Amy N. Okereke  
Assistant Corporation Counsel

**SO ORDERED:**

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Honorable Dora L. Irizarry  
United States District Judge